



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/135,154      | 08/17/1998  | T. ALLAN HAMILTON    | CLB5-B73            | 8963             |

36257 7590 02/10/2004

PARSONS HSUE & DE RUNTZ LLP  
655 MONTGOMERY STREET  
SUITE 1800  
SAN FRANCISCO, CA 94111

EXAMINER

ZIMMERMAN, BRIAN A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2635

DATE MAILED: 02/10/2004

33

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/135,154

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**EXAMINER'S RESPONSE**

**Status of Application**

In response to the applicant's amendment received on 11/21/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claim 50 is unpatentable for the reasons set forth in this office action:

**Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claim 50 is rejected under 35 U.S.C. 103(a) as obvious over Kohler (U.S. 5,115,236) and the IRDA specification as discussed by the applicant on page 3 of the specification and the EP publication Selin (EP 0772307) and Kulha (5973611).

Kohler teaches a device (Fig. 2) for reducing power consumption in infrared-enabled appliances having power supply means and transceiver system means forming a circuit including switch means (Col. 1, lines 7-28 and Col. 2, lines 30-54), comprising: (wake-up) signal receiver (RC receiver in Fig. 2) and power actuator module (control voltage output 41 in Fig. 2), said module configured to recognize incident Ir discovery signals and responsively activate said switch means (Col. 3, lines 53-68 through Col. 5, lines 1-22). Kohler

Art Unit: 2635

teaches an infrared receiver (Fig. 2) and discovery signal detection circuitry configured to recognize the power level of the infrared "discovery signals" incident to said receiver and emit a power-up signal to said switch means (Fig. 2; Col. 4, lines 28-56). Kohler teaches that the power-up (message) signal can be instigated by user input (keyboard 8 in Fig. 3) via the transmitter portion of the transceiver system (Col. 5, lines 30-48). It is noted the Kohler device requires interpretation to determine if a wake up signal is being received. Therefore the received signal is interpreted in order to determine if a wake up signal has been received. The applicant admits that the IRDA standard discovery signal is used as a wake up signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used an IRDA discovery signal to control the wake up elements of the Kohler communication system.

In an analogous art, Selin shows a communication device that uses a sleep mode to reduce power consumption in the devices. Selin uses a specially coded signal or sequence to wake up a receiving communication unit. See col. 4 lines 45-55 and col. 9 lines 32+. Selin teaches that most of the activities of the device are switched off in order to conserve power. In the above system, the receiver (and a portion of the processor that recognizes the wake up signal) must remain on to enable waking up of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have switched off the claimed elements as unessential elements while providing power to the receiver and associated wake up discovery processor as suggested by

Art Unit: 2635

Selin in the Kohler system because such would provide improved power conservation.

In an analogous art, Kulha shows a signal processor that is used to received a signal and generates a wake up or power up signal when the appropriate over the air signal is received. By providing a sleep mode the receiver advantageously saves power. By providing the processor with a portion that remains awake to receive wireless signals and wake up the rest of the processor the device can be provided in a single, simple circuit thus reducing space required on the circuit board. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the sleep mode detecting section of a processor as shown by Kulha to reduce power consumption and reduce the space taken up by the circuitry of the IR communication device discussed above.

2. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen (5706110) and and Kulha (5973611).

Nakanen shows a bi-directional IR communication device that includes bi-directional interface with the user, see figure 1 and description of IRDA.

Nakanen inherently processes the IR signals received, and inherently includes a controller to control the operation of the transmitter, receiver and power supply.

Nakanen shows a power management device, which in a standby mode provides operating power to only a portion of the circuit needed to receive and decode a wake up signal, while switching off the additional circuits. See col. 4 lines 1-15.

Art Unit: 2635

Nakanen does not expressly show a battery as the power supply, but one of ordinary skill in the art at the time of the invention would have found it obvious to use a battery as the power supply in the Nakanen device in order to make the device portable or mobile.

In an analogous art, Kulha shows a signal processor that is used to received a signal and generates a wake up or power up signal when the appropriate over the air signal is received. By providing a sleep mode the receiver advantageously saves power. By providing the processor with a portion that remains awake to receive wireless signals and wake up the rest of the processor the device can be provided in a single, simple circuit thus reducing space required on the circuit board. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the sleep mode detecting section of a processor as shown by Kulha to reduce power consumption and reduce the space taken up by the circuitry of the IR communication device discussed above.

### **REMARKS**

#### **Response to Arguments.**

Applicant's arguments with respect to claim 50 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

Art Unit: 2635

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

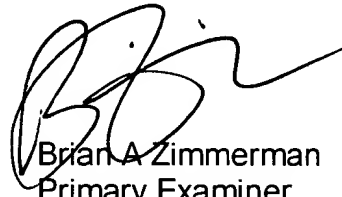
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A. Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ